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16 *Attorneys for Plaintiff*  
ORACLE AMERICA, INC.

21 || ORACLE AMERICA, INC.

Case No. CV 10-03561 WHA

22 Plaintiff,

**DECLARATION OF MARC DAVID  
PETERS IN SUPPORT OF ORACLE  
AMERICA, INC.'S OPPOSITION TO  
GOOGLE INC.'S SECOND MOTION TO  
STRIKE PORTIONS OF THE  
MITCHELL PATENT REPORT**

23 v.

24 || GOOGLE

Figure 1. The relationship between the number of species and the number of individuals in the community.

25 Delendahl.

Date: October 13, 2011

Time: 8:00 a.m.

Dept.: Courtroom 8, 19th Floor

Judge: Honorable William H. Alsup

1 I, Marc David Peters, declare as follows:

2 I am a partner at Morrison & Foerster LLP and am counsel of record to Plaintiff Oracle  
3 America, Inc. I have personal knowledge of the matters set forth herein and, if called to testify,  
4 could and would testify competently to the following.

5 1. Attached hereto as Exhibit A is a true and correct copy of relevant portions of the  
6 Opening Expert Report of John C. Mitchell Regarding Patent Infringement, served on August 8,  
7 2011.

8 2. Attached hereto as Exhibit B is a true and correct copy of relevant portions of  
9 Defendant Google Inc.'s Fifth Supplemental Responses to Plaintiff's Interrogatories, Set One,  
10 No. 3, served on August 1, 2011.

11 3. Attached hereto as Exhibit C is a true and correct copy of relevant portions of  
12 Appendix A to the Expert Report of Terence Parr, Ph.D. Regarding the Non-Infringement of U.S.  
13 Patent No. 6,061,520, served on August 25, 2011.

14 I declare under penalty of perjury under the laws of the United States that to the best of  
15 my knowledge the foregoing is true and correct. Executed on October 4, 2011, in Palo Alto,  
16 California.

17 /s/ Marc David Peters  
18

19  
20 I hereby attest that Marc David Peters concurs in the e-filing of this document.

21 /s/ Michael A. Jacobs  
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